

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

FINOVA CAPITAL CORPORATION, )  
                                  )  
                                  )  
                                 Plaintiff, )  
                                  )  
                                  )    Judge Frederick J. Kapala  
                                 v. )    No. 3:08-cv-50060  
                                  )  
                                  )  
JAMES BISHOP, )  
                                  )  
                                  )  
                                 Defendant. )

**DECLARATION OF JOHN W. MOYNIHAN IN SUPPORT OF FINOVA CAPITAL  
CORPORATION'S *EX PARTE* MOTION FOR RELIEF FROM A FILING ERROR**

Pursuant to Northern District of Illinois Local Rule 5.5(d), I, JOHN W. MOYNIHAN, as  
counsel for FINOVA Capital Corp. ("FINOVA"), do hereby declare and say that:

1. Counsel for FINOVA twice filed this action in the Northern District of Illinois, Eastern Division.
2. Both times, the case was erroneously assigned to the Western Division, thus necessitating *ex parte* relief from this Court transferring the case to the Eastern Division.
2. FINOVA has not made a previous application for similar relief.

I declare under the penalty of perjury of the laws of the state of Illinois that the foregoing is true and correct and within my own personal knowledge and that I will testify to the same if called to do so.

Executed this 15<sup>th</sup> day of April, 2008, at Chicago, Illinois.

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/s/ John W. Moynihan  
JOHN W. MOYNIHAN

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